

against CBSi is not all about Audible Magic's technology; indeed, the complaint does not even mention Audible Magic.

CBSi's motion is an improper attempt to join another party's transfer motion. CBSi makes no attempt to show whether Blue Spike could have brought its case in the Northern District of California in the first instance. Nor does CBSi provide any evidence showing that the Northern District of California would be "clearly more convenient" than this District, as required to obtain a transfer under section 1404(a).

For these reasons plus those contained in its response (Dkt. 865), Blue Spike again asks the Court to deny CBSi's motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 29, 2013. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

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